

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STUART FRIEDMAN and
SHERRI FRIEDMAN,

Plaintiffs,

-against-

MISSION OF THE GABONESE REPUBLIC
and AMBASSADOR BAUDELAIRE NDONG
ELLA,

Defendants.

Case No. 17-cv-08142-AJN

**AFFIDAVIT IN SUPPORT
OF MOTION FOR
ORDER PURSUANT TO
28 U.S.C. § 1610(c)**

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ss.:

KEVIN FRITZ, being duly sworn, deposes and says:

1. I am a partner of Meister Seelig & Fein LLP, attorneys for plaintiffs Stuart Friedman and Sherri Friedman (collectively, “Plaintiffs” or “Landlord”) in this action.

2. This affidavit is submitted in support of Plaintiffs’ motion, pursuant to 28 U.S.C. § 1610(c), for an Order determining that a reasonable period of time has elapsed following entry of judgment and the giving of any notice required under 28 U.S.C. § 1608(e), and for such other and further relief as the Court may deem just and proper.

3. On June 20, 2018, the Court entered a Default Judgment against one of two defendants, Mission of the Gabonese Republic (the “Gabonese Republic”). A true copy of the Default Judgment is attached as Exhibit A.

4. On February 4, 2019, and pursuant to FRCP 4(f)(2)(C)(ii), the Clerk of the Court duly served copies of the Default Judgment, in both English and French, upon the Gabonese Republic. A true copy of the Clerk's Certificate of Mailing is attached as Exhibit B.

5. On February 7, 2019, the Gabonese Republic received the Default Judgment. A signature was required upon receipt and obtained by DHL. A true copy of the DHL Proof of Delivery is attached as Exhibit C. *See de Sousa v. Embassy of Rep. of Angola*, 229 F.Supp.3d 23, 29 (D.D.C. 2017)(FedEx delivery receipt with signature satisfies 28 U.S.C. § 1608(a)(3)).

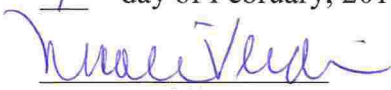
6. Thus, Plaintiffs have provided notice of the Default Judgment to the Gabonese Republic. The Gabonese Republic has not responded to the Default Judgment.

7. A reasonable period of time has elapsed following entry of the Default Judgment and the giving of notice thereof (not only to the date hereof, but to the subsequent date upon which this Court considers this motion. *See Peterson v. Islamic Republic of Iran*, No. 10 civ. 4518, 2013 WL 1155576 (S.D.N.Y. Mar. 13, 2016)(one hundred days reasonable period of time); *Gadsby & Hannah v. Socialist Republic of Romania*, 698 F.Supp. 483, 486 (S.D.N.Y.1988)(two months reasonable); *Ferrostaal Metals Corp. v. S.S. Lash Pacifico*, 652 F.Supp. 420, 423 (S.D.N.Y. 1987)(three months reasonable).

8. Accordingly, Plaintiffs are entitled to an Order determining that Plaintiffs may proceed to collection of the Default Judgment by attachment, execution, or by any other means permitted by applicable law, against the assets of the Gabonese Republic.


KEVIN ERITZ

Sworn to before me this
7th day of February, 2019


Notary Public

NICOLE VERDI
Notary Public State of New York
No. 01VE6269557
Qualified in Richmond County
Commission Expires October 1, 2020